

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1104 OF 2006

Arun Pudappa Gauda and anr.

...Applicants

Versus

State of Maharashtra

... Respondent.

Mr. U.R. Agandsurve for the applicants.

Mrs. V.R. Bhosale, Additional Public Prosecutor, for the respondent.

CORAM: KSHITIJ R. VYAS, C.J.

DATE: JUNE 16, 2006.

P.C.

This is a second successive application preferred by the applicants with a prayer to release them on bail, pending trial. It appears that in the earlier application i.e. Criminal Application No. 124 of 2006, this Court, vide order dated 24th January, 2006, by accepting the request of the learned counsel for the applicants to withdraw the application, granted liberty to the applicants to file application if the trial is not over within a reasonable period of time. It further appears that the co-accused was released on the same day. If that is so, the case of the applicants along with the co-accused must have been considered by this Court and since this Court was not inclined to release the applicants on bail, a request to withdraw the same was made.

2. In this view of the matter, the application cannot be considered on merits. In any case, in my opinion, there is a time gap of only five months from the date on which the application was withdrawn. Therefore, the applicants are not entitled to file a fresh application on the ground that the trial is not over. The applicants are, therefore, not entitled to file successive application. Hence application is rejected.

CHIEF JUSTICE